

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAFAEL MERAN GARCIA,

Petitioner,

v.

Civil Action No. 2:26-2214

J.L. JAMISON, in his official capacity
as warden of the Philadelphia
Detention Center, *et al.*,

Respondents.

**RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS CORPUS**

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5	Notice of immigration bond cancellation (April 2, 2026)

I. INTRODUCTION

As the Court is undoubtedly aware, immigration detainees in this district have filed hundreds of petitions for writs of habeas corpus challenging the authority of the Secretary of the U.S. Department of Homeland Security (“DHS”) to detain them without setting a bond hearing. These cases involve individuals who have been detained pending the completion of their removal proceedings, including consideration of their asylum claims as a defense to removal, and break down into four categories:

- ***Hurtado*¹ cases (like this one):** individuals who entered the United States without inspection; after a passage of time, they were encountered by immigration authorities in the interior, placed in standard removal proceedings, and recently were detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cantu-Cortes v. O’Neill*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025);
- ***Q. Li*² cases:** individuals who entered the United States without inspection, were encountered near the border and detained without a warrant, released into the country, and, after a passage of time, recently detained under 8 U.S.C. § 1225(b)(2)(A); *see, e.g., Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026);
- **Arriving Alien cases:** individuals who presented at a port of entry without valid entry documents, were paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C.

¹ “*Hurtado*” refers to the Board of Immigration Appeals’ decision in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025).

² “*Q. Li*” refers to the Board of Immigration Appeals’ decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

§ 1225(b)(2)(A); *see, e.g., Vasquez-Rosario v. Noem*, No. 25-cv-7427, 2026 WL 196505, at *5 (E.D. Pa. Jan. 26, 2026); and,

- **Expedited Removal cases:** individuals who, based on certain conditions related to their time, manner, and place of entry, were placed into expedited removal proceedings, paroled into the country under 8 U.S.C. § 1182(d)(5)(A), and, after a passage of time, recently detained under 8 U.S.C.

§ 1225(b)(1)(B)(iv); *see, e.g., Seminario Marcos v. Jamison*, No. 26-cv-421 (E.D. Pa. Feb. 6, 2026).

The first three categories of cases (*Hurtado*, *Q. Li*, and Arriving Alien) all share the same authority for mandatory detention: 8 U.S.C. § 1225(b)(2)(A). While there are certain legal and factual distinctions among those cases, the fundamental point of departure between the government’s position and the position advanced by petitioners and adopted in over 250 decisions in this district relates to the correct interpretation of § 1225(b)(2)(A):

In the cases of an alien who is an **applicant for admission**, if the examining immigration officer determines that an **alien seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A) (emphasis added).

Although petitioners in these cases are indisputably “applicants for admission,” *see* 8 U.S.C. § 1225(a)(1), courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country because, these decisions conclude, the petitioners are no longer “seeking admission.” Courts have reasoned that “seeking admission” should be given meaning beyond “applicant for admission” to avoid surplusage and have read the term to require active and ongoing efforts to be

admitted at or near the border. *See, e.g., Kashranov v. Jamison*, 2025 WL 3188399, *6–7 (E.D. Pa. Nov. 14, 2025); *Vasquez-Rosario*, 2026 WL 196505, at *9. By contrast, the government contends that “applicants for admission” are necessarily “seeking admission” until they have been admitted or until their removal proceedings are complete. And while the government’s position has been rejected by the vast majority of district courts to have considered it, the two courts of appeals to have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals have agreed with the government. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026) (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”) and *Avila v. Bondi*, No. 25-3248, 2026 U.S. App. LEXIS 8744, at *13 (8th Cir. Mar. 25, 2026) (“§ 1225(b)(2)(A) mandates the detention of unadmitted aliens already present inside the United States”); *but see Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)). This is a “*Hurtado*” case where the government has detained Petitioner under 8 U.S.C. § 1225(b)(2)(A).

Petitioner, a noncitizen, crossed the border without inspection on a date unknown to the United States, but that Petitioner alleges was on or around December 31, 2011. Pet. ¶ 6. Thereafter, in late February 2025, he was served with a notice to appear in immigration court, *see* Exhibit 1, following his February 11, 2025 arrest by the New Castle County, Delaware police department for aggravated menacing (displaying what appears to be a deadly weapon) and endangering the welfare of a child, *see* Exhibit 2 (I-213), at 3 (criminal history). The charges were

nolle prossed, *see id.*, and he was released from immigration detention on a \$15,000 bond on April 10, 2025, *see* Exhibit 3 (order).

In March 2026, a new warrant for his arrest was issued by the Delaware Justice of the Peace Court in light of his alleged failure to obey a protection from abuse order. *See* Exhibit 4 (warrant). As a result, on or around April 2, 2026, his immigration bond was cancelled. *See* Exhibit 5 (bond cancellation notice); Exhibit 2 (I-213), at 2 (encounter data). He was arrested by ICE in Dover, Delaware, *see* Exhibit 2 at 2, and he was detained pursuant to 8 U.S.C. § 1225(b)(2)(A) at the Federal Detention Center in Philadelphia, Pennsylvania, Pet. ¶ 1.

This case, like many others that have been before the Court, turns principally on the threshold question of statutory interpretation discussed above—whether petitioner is an “applicant for admission” that is “seeking admission” within the meaning of § 1225(b)(2)(A).³ The government expands on that argument below in the context of Petitioner, who crossed the border without inspection and was first encountered and detained in the interior (thereby falling within the scope of the BIA’s decision in *Hurtado*), and addresses petitioner’s separate argument alleging a violation of due process. Even if the Court again agrees with Petitioner’s statutory interpretation in this case, however, respondents respectfully request that the Court order a further bond hearing. Doing so would permit an immigration judge to evaluate whether petitioner poses a flight risk or danger to the community in light of the recent cancellation of his immigration bond in the context described above.

³ In many of its prior responses filed in this district, the government has advanced various jurisdictional arguments that it is not advancing here. Of course, the Court may appropriately satisfy itself of its jurisdiction upon consideration of 8 U.S.C. §§ 1225(b)(9), 1252(a)(2)(B)(ii), 1252(g), and the Third Circuit’s decision in *Khalil v. President, United States of America*, 164 F.4th 259 (3d Cir. 2026).

II. ARGUMENT

The Court should deny the petition because: (1) Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2)(a); and (2) Petitioner’s detention does not violate constitutional due process.

A. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2).

1. Petitioner is an “applicant for admission” “seeking admission.”

An individual who “arrives in the United States,” or is “present” in this country but “has not been admitted,” is an “applicant for admission” under 8 U.S.C. § 1225(a)(1). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Buenrostro-Mendez*, 166 F.4th at 499; *Avila*, 2026 U.S. App. LEXIS 8744, at *7. Applicants for admission are covered by either § 1225(b)(1) or § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (section 1225(b)(2) “serves as a catchall provision that applies to *all* applicants for admission not covered by § 1225(b)(1)”) (emphasis added).

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). *See also* 8 U.S.C. § 1225(a) (defining applicant for admission as *either* “[a]n alien present in the United States who has not been admitted *or* who arrives in the United States.”) (emphasis added). Congress defined *all* aliens who are present in the United States without being admitted as “applicant[s] for admission,” regardless of when they entered. *See* 8 U.S.C. § 1225(a)(1).

When an immigration officer encounters and examines an applicant for admission who seeks to remain in the United States, and that alien (like Petitioner) desires to remain in the United States, the applicant is necessarily “seeking admission” within the meaning of 8 U.S.C. § 1225(b)(2)(A). *See Buenrostro-Mendez*, 166 F.4th at 503 (“[A]n ‘applicant for admission’ is necessarily someone who is

‘seeking admission.’”); *id.* at 502 (“When a person applies for something, they are necessarily seeking it.”). *See also Avila*, 2026 U.S. App. LEXIS 8744, at *7.

Otherwise, the alien must “withdraw the application for admission and depart immediately from the United States.” 8 U.S.C. § 1225(a)(4). An alien continues to be “seeking admission” while in immigration removal proceedings to determine whether he can “be admitted to the United States.” *See* 8 U.S.C. § 1229a(3).

The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an “applicant for admission” be actively “seeking admission” at or near the border to fall within its scope. *See, e.g., Kashranov*, 2025 WL 3188399, at *6–7; *Demirel v. Fed. Detention Ctr.*, No. 25-cv-5488 (E.D. Pa. Nov. 18., 2025).⁴ But, as noted, the Fifth and Eighth Circuit Courts of Appeals have agreed with the government. *See Buenrostro-Mendez*, 166 F.4th at 502 (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”); *Avila*, 2026 U.S. App. LEXIS 8744, at *7 (“[W]e agree with the Fifth Circuit that the ordinary meanings of the phrases ‘applicant for admission’ and ‘seeking admission’ are the same.”). The *Buenrostro-Mendez* court concluded, correctly, that an “applicant for admission” is “necessarily someone who is ‘seeking admission.’” *Id.* at *5; *but see Castañon-Nava*, 161 F.4th at 1062.

Thus, Petitioner, who is indisputably an “applicant for admission,” is also “seeking admission” and covered by § 1225(b)(2)(A).

⁴ The government is pursuing appeals in the Third Circuit related to both statutory and constitutional due-process claims. The matters on appeal are *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150 (3d Cir.), which are now consolidated for all purposes. The government’s consolidated opening brief was filed on March 20, 2026. The Third Circuit granted the government’s motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.

2. Applicants for admission must be detained under 8 U.S.C. § 1225(b)(2)(A), absent discretionary parole.

Pursuant to 8 U.S.C. § 1225(b)(2)(A), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien **shall be detained** for a proceeding under section 1229a [removal proceedings].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). The Supreme Court has held that § 1225(b)(2)(A) is a mandatory detention statute and that individuals detained pursuant to that provision are not entitled to bond. *Jennings*, 583 U.S. at 287 (“Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens.”).

In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA concluded that the Immigration Court lacked jurisdiction to conduct a bond hearing because § 1225 requires that an alien present in the United States, but never admitted, must be detained for the duration of his removal proceedings. *Id.* The BIA found § 1225 clear and unambiguous: “Based on the plain language of section 235(b)(2)(A) of the [INA], 8 U.S.C. § 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.” *Id.* at 226. Indeed, § 1225 applies to aliens who are present in the country—even for years—who have not been admitted. *See id.* (“[T]he statutory text of the INA . . . is instead clear and explicit in requiring mandatory detention of all aliens who are applicants for admission, without regard to how many years the alien has been residing in the United States without lawful status.” (citing 8 U.S.C. § 1225)). To hold otherwise, would lead to an “incongruous result” that rewards aliens who unlawfully enter the United States without inspection and possibly evade apprehension for a number of years. *Id.* at 228.

The BIA rejected the alien’s argument that the mandatory detention scheme under § 1225 rendered the recent amendment to § 1226 under the Laken Riley Act superfluous. *Id.* The BIA explained, “nothing in the statutory text of section 236(c),

including the text of the amendments made by the Laken Riley Act, purports to alter or undermine the provisions of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), requiring that aliens who fall within the definition of the statute ‘shall be detained for [removal proceedings].’” *Id.* at 222. According to the BIA, any redundancy between the two statutes does not give license to “rewrite or eviscerate” one of the statutes. *See id.* (quoting *Barton v. Barr*, 590 U.S. 222, 239 (2020)).

In *Buenrostro-Mendez*, the Fifth Circuit expressly addressed the interplay of § 1225(b)(2) and § 1226(a). The court explained that § 1226(a) “undeniably does work independent from § 1225(b)(2)(A) because “only § 1226(a) applies to admitted aliens who overstay their visas, become deportable on many different grounds, or were admitted erroneously due to fraud or some other error.” *Buenrostro-Mendez*, 166 F.4th at 504. As for § 1226(c), the Fifth Circuit explained: “Not only does § 1226(c) sweep in deportable aliens in addition to the inadmissible aliens covered by § 1225(b)(2)(A), *see* 8 U.S.C. § 1226(c)(1)(B)–(C), it also eliminates the option of parole for those to whom it applies.” *Id.* at 505. The Fifth Circuit noted that “the Laken Riley Act . . . did have a substantial effect when passed insofar as it required the detention without bond or parole of certain aliens the administration was then treating as bond-eligible.” *Id.*; *see also Avila*, 2026 U.S. App. LEXIS 8744, *15-17.

An alien remains an applicant for admission, and subject to § 1225(b)(2), so long as he is “not clearly and beyond doubt entitled to be admitted” to the United States. *See* 8 U.S.C. § 1225(b)(2)(A). Nothing in either § 1225(b)(2) or § 1226(a) provides that the government must default to detaining an alien pursuant to § 1226(a) if he is subject to detention under § 1225(b)(2) as well.

Petitioner is an applicant for admission seeking admission, and he has not clearly and beyond doubt established that he is entitled to be admitted to the United States. Consequently, he is subject to mandatory detention under § 1225(b)(2), and ineligible for a bond hearing before an immigration judge.

B. Petitioner’s detention does not violate constitutional due process.

Congress broadly crafted “applicants for admission” to include undocumented persons, like Petitioner, who are present within the United States. *See* 8 U.S.C. § 1225(a)(1). In so doing, Congress made a legislative judgment to detain undocumented persons during removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *Jennings*, 583 U.S. at 297 (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded.”).

The Supreme Court has repeatedly recognized this profound interest. Petitioner’s mandatory detention pursuant to §1225(b) will only last the duration of his removal proceedings. *Demore v. Kim*, 538 U.S. 510, 512 (2003) (“[B]ecause the statutory provision at issue in this case governs detention of deportable criminal aliens *pending their removal proceedings*, the detention necessarily serves the purpose of preventing the aliens from fleeing prior to or during such proceedings”); *see also Jennings*, 583 U.S. at 304. In light of Congress’s interest in regulating immigration, including by keeping specified persons in detention pending the removal period, the Supreme Court dispensed of any due process concerns without engaging in the test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See generally Demore*, 538 U.S. at 531.

Petitioner’s recent detention pending his removal proceedings does not violate the Due Process Clause. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (detention less than six months presumed constitutional). Congress made the decision to detain him pending removal, which is a “constitutionally permissible part of that process.” *Demore*, 538 U.S. at 531.

The Third Circuit has recognized that there may come a time when mandatory civil detention without a bond hearing becomes unreasonable. *See*

German Santos v. Warden Pike Cnty. Corr. Facility, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c)). However, at this time, Petitioner does not challenge the reasonableness of his detention under *German Santos*.

III. CONCLUSION

For the foregoing reasons, respondents respectfully request that the petition for writ of habeas corpus be denied. In light of the facts set out above resulting in the recent cancellation of Petitioner's bond, even if the Court agrees with Petitioner's statutory interpretation, respondents respectfully request that the Court not order Petitioner to be released but, instead, order a further bond hearing for an immigration judge to evaluate whether he poses a flight risk or danger to the community.

Respectfully submitted,

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Dated: April __, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that, on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: April __, 2026

/s/ Rebecca S. Melley
REBECCA S. MELLEY
Assistant United States Attorney

Exhibit 1

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]/1979

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: RAFAEL NAIMY MERAN GARCIA AKA: MERAN, Rafael currently residing at:

See Continuation Page Made a Part Hereof

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☒ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of the DOMINICAN REPUBLIC and a citizen of the DOMINICAN REPUBLIC;
3. You entered the United States at or near an unknown location, on or about an unknown date;
4. You were not then inspected, admitted or paroled by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

625 EVANS ST RM 148A ELIZABETH NJ 072010000. ELIZABETH DETENTION CENTER

(Complete Address of Immigration Court, including Room Number, if any)

on March 4, 2025 at 1:00 PM to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

O. #9127 AMARO - SDDO

(Signature and Title of Issuing Officer)

Date: February 13, 2025

Dover, Delaware

(City and State)

Allegations: Admits All; | Charges: Sustains All;

Designated Country: DOMINICAN REPUBLIC |

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 2/21/2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- ☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Allegations: Admits All; | Charges: Sustains All;
Designated Country: DOMINICAN REPUBLIC |

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form **I-862**

Alien's Name MERAN GARCIA, RAFAEL NAIMY	File Number Event No:	Date 02/21/2025
CURRENTLY RESIDING AT: ----- MOSHANNON VALLEY PROCESSING CENTER 555 GEO DRIVE PHILISPBURG, PENNSYLVANIA, 16866		
Signature O. #9127 AMARO 		Title SDDO

U.S. Department of Homeland Security

Subject ID : 401946796

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MERAN GARCIA, RAFAEL NAIMY		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmplxn BLK
Country of Citizenship DOMINICAN REPUBLIC	Passport Number and Country of Issue See Narrative	File Number DVD260400004		Height 66	Weight 160	Occupation UNR	
U.S. Address UNITED STATES				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, UNK, WI-Without Inspection				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence				F.B.I. Number 4DMKRXPAP			
Date of Birth 979 Age: 46				☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
City, Province (State) and Country of Birth DOMINICAN REPUBLIC				Method of Location/Apprehension NCA			
NIV Issuing Post and NIV Number				At/Near See I-831			
Date Visa Issued				Date/Hour 04/02/2026 12:25			
Immigration Record POSITIVE - See Narrative				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children 1-UNITED STATES			
Father's Name, Nationality, and Address, if Known MERAN CESPEDES, BONIFACO NATIONALITY: DOMINICAN REPUBLIC				Mother's Present and Maiden Names, Nationality, and Address, if Known GARCIA DIAZ, MERCEDES NATIONALITY: DOMINICAN REPUBLIC			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? ☒ Yes ☐ No		Systems Checks	
Name and Address of (Last)(Current) U.S. Employer				Type of Employment Unemployed or Retired		Charge Code Word(s)	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)				Employed from/to			
FIN:  Left Index fingerprint Right Index fingerprint  				Salary Hr			
FAMILY INFORMATION Father: MERAN CESPEDES, BONIFACO is a citizen of DOMINICAN REPUBLIC, , his immigration status is No Status. Mother: GARCIA DIAZ, MERCEDES is a citizen of DOMINICAN REPUBLIC, , her immigration status is No Status. Spou:  is a citizen of UNITED STATES, , their immigration status is U.S. Citizen. Son:  is a citizen of UNITED STATES, , their immigration status is U.S. Citizen. OTHER ALIASES KNOWN BY: Figueroa Hernandez, Jose ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				S 4120 MASSIE Deportation Officer (Signature and Title of Immigration Officer)			
Distribution: A-file				Received: (Subject and Documents) (Report of Interview) Officer: S 4120 MASSIE on: April 2, 2026 (time) Disposition: Other Examining Officer: BROCKSON, T-9818			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MERAN GARCIA, RAFAEL NAIMY	File Number [REDACTED] Event No: [REDACTED]	Date 04/02/2026
Meran, Rafael IMMIGRATION RECORD ----- 2025-02-13 Dover, Delaware/in person - V: WA/NTA Warrant of Arrest/Notice to Appear SUBJECT HEALTH STATUS ----- SUBJECT claims to have a cold but otherwise claims good health. SUBJECT stated that he previously had surgery for a hernia. The subject stated that he does not take medication. ARRESTING AGENTS ----- S 4120 MASSIEHECTOR GRISALESB. KENDRICK 6578 KENDRICK ARRESTED AT/NEAR [REDACTED] UNITED STATES RECORD OF DEPORTABLE/EXCLUDABLE ALIEN: ----- SUBJECT's alienage and deportability established through the following means: 1) A check of ICE related indices 2) Biometric confirmation of the subject's identity ENCOUNTER DATA: On April 2, 2026, Rafael Naimy Meran Garcia (hereinafter referred to as "SUBJECT"), appeared in person for a routine office visit at 1102 S Dupont Hwy, Dover, Delaware 19901. At the time, SUBJECT was under the supervision of ERO Philadelphia Dover Sub-Office through the Alternatives to Detention (ATD) program, in coordination with BI contractors under the Intensive Supervision Appearance Program (ISAP). Prior to SUBJECT's office visit, on March 21, 2026, the New Castle County, Delaware, Police Department identified a violation of a Protection From Abuse (PFA) order, resulting in an active warrant. On April 1, 2026, this officer verified the warrant's status as active - reference warrant number 3226004230. Upon reviewing SUBJECT's immigration status and active warrant, officers encountered SUBJECT. Officers approached SUBJECT and identified themselves in English and Spanish as "Police ICE." Officers verified SUBJECT's identity by photo comparison and his own verbal admission. With the aid of an ISAP Spanish interpreter, officers briefly explained SUBJECT's case. Officers explained that SUBJECT's immigration bond would be cancelled due to a violation of a PFA order. Officers presented SUBJECT with a signed Warrant for Arrest of Alien, Form I-200 and informed him that he was under arrest. SUBJECT was informed that he would be detained pending removal proceedings. SUBJECT was taken into custody without incident. IDENTIFICATION: The subject's fingerprints were scanned into the joint DHS Automated Biometric Identification System\FBI Automated Fingerprint Identification System (IDENT \ IAFIS). The automated reply from IDENT \ IAFIS revealed the following biometric data:		
Signature S 4120 MASSIE	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MERAN GARCIA, RAFAEL NAIMY	File Number Event No:	Date 04/02/2026
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Name: MERAN, RAFAEL (AKA MERAN GARCIA, RAFAEL)
 DOB:
 ARN:
 FINS:
 FBI:
 SID:

IMMIGRATION HISTORY:

SUBJECT is a citizen and national of the Dominican Republic, as are his parents. On December 12, 2011, the subject was refused a non-immigrant visa by the United States Department of State.

On an unknown date, at an unknown location, SUBJECT entered the United States without being inspected, admitted or paroled into the country by an immigration official.

On or about November 23, 2020, SUBJECT filed a Petition for Alien Relative, Form I-130. Reference receipt number

On or about September 28, 2021, the I-130 was approved.

On or about April 7, 2025, SUBJECT filed an Application for Permanent Residence or Adjust Status, Form I-485. Reference receipt number This application is pending.

On or about July 25, 2025, SUBJECT filed an Application to Register Permanent Residence or Adjust Status, Form I-485. Reference receipt number This application is pending.

As of April 2, 2026, SUBJECT appears to have no other pending or granted applications or petitions with USCIS.

CHARGE:

SUBJECT is in violation of Section 212(a)(6)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

CRIMINAL HISTORY:

SUBJECT has the following known criminal history:

1) On or about February 11, 2025, the subject was arrested by the New Castle County, Delaware, Police Department for the following offenses:

- 2 Counts: Aggravated Menacing - Displaying What Appears to be a Deadly Weapon
- 2 Counts: Endanger Welfare of Child Intent/ Knowingly/ Recklessly Likely to Injure Child

Disposition: All charges were nolle prosequi.

2) On March 21, 2026, an active warrant for was issued by the New Castle County, Delaware, Police Department for the following offense:

- Criminal Contempt Of A Domestic Violence Protective Order - Violate/Fail To Obey

Signature S 4120 MASSIE	Title Deportation Officer
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U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MERAN GARCIA, RAFAEL NAIMY	File Number [REDACTED] Event No: [REDACTED]	Date 04/02/2026
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HEALTH:
SUBJECT claims to have a cold but otherwise claims good health. SUBJECT stated that he previously had surgery for a hernia. The subject stated that he does not take medication.

FAMILY:
SUBJECT is married to Carliany Perez.

claims to have a United States born child, [REDACTED] 2025), living with the birth mother, Roselina Concepcion Amador (ARN [REDACTED])

PROCESSING INFORMATION:
SUBJECT was given access to a phone per ICE policy.

SUBJECT is represented by Christine Flowers (NV982206).

SUBJECT has not served in the United States military.

SUBJECT was advised of his right to speak to a consulate officer from the Dominican Republic and consular notification is not mandatory. SUBJECT declined notification.

SUBJECT requested voluntary departure.

*****In addition to SUBJECT's true and correct name, Rafael Naimy Meran Garcia (DOB: 05 Nov 1979), records indicate that SUBJECT has also used an assumed identity of a United States citizen. On March 15, 2012, SUBJECT was issued a Pennsylvania [REDACTED] n card, number [REDACTED] under the assumed name Jose Figueroa Hernandez (DOB: [REDACTED]). On Februar 4, SUBJECT was issued a Pennsylvania driver's license, number [REDACTED] under the assumed name Jose Figueroa Hernandez. Records further show subsequen [REDACTED]. Negative NCIC under the assumed name.*****

DISPOSITION:
ERO Philadelphia Dover Sub-Office served SUBJECT a signed Warrant for Arrest of Alien, Form I-200 and a Notice - Immigration Bond Cancelled, Form I-391. Officers prepared a Notice to EOIR: Alien Address, Form I-830E, for future service on EOIR Newark. Officers also provided SUBJECT with the most recent version of the EOIR's list of pro bono legal service providers for New Jersey and Pennsylvania.

OTHER IDENTIFYING NUMBERS

ALIEN-[REDACTED]
Cedula (Foreign ID) [REDACTED] (DOMINIC [REDACTED])
State Criminal Numb [REDACTED] u Number [REDACTED] (UNITED STATES)
Driver's License (State and Country) [REDACTED] (UNKNOWN)
..COMMENT: ***PA Stolen identity - Jose Figueroa Hernandez***

PASSPORT NUMBER AND COUNTRY OF ISSUE

[REDACTED] DOMINICAN REPUBLIC

Signature S 4120 MASSIE	Title Deportation Officer
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Exhibit 3



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT**

Respondent Name:

MERAN GARCIA, RAFAEL NAIMY

To:

Flowers, Christine Marie
2527 south broad street
Philadelphia, PA 19148

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

04/10/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☒ Granted. It is ordered that Respondent be:

- ☐ released from custody on his own recognizance.
- ☒ released from custody under bond of \$ 15,000.00
- ☐ other:

☐ Other:



Immigration Judge: PANOPOULOS, ADAM 04/10/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☒ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : MERAN GARCIA, RAFAEL NAIMY | A-Number : [REDACTED]

Riders:

Date: 04/10/2025 By: VITALI, PATRICIA, Court Staff

Exhibit 5

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

COPY

NOTICE - IMMIGRATION BOND CANCELLEDO
B
L
I
G
O
R

Flowers, Christine M.
2527 S BROAD STREET
PHILADELPHIA, PA 19148
UNITED STATES

Alien File No. [REDACTED]
Cancellation Notice Date 04/02/2026
IMMIGRATION BOND
Bond Type: ☒ Cash ☐ Surety
Bond Post Date 04/21/2025
Bond Receipt No. [REDACTED]
Amount \$15,000.00
Alien's Name Meran Garcia, Rafael Naimy

U.S. Immigration and Customs Enforcement (ICE) has determined that the conditions of the immigration bond referenced above have been satisfied and the bond is cancelled. Financial Service Center-Burlington will issue a refund of any deposit and any interest to the individual or entity identified in U.S. Immigration and Customs Enforcement records entitled to receive the refund, to the address of record. If your address has changed, you should use this form to notify ICE of your new address. If you have validly appointed someone or some other entity to be your attorney in fact to receive this refund, please inform them that you have received this notification and that they can expect to receive the refund check at the address noted in Financial Service Center-Burlington records.

Otherwise, you do not need to take any action in response to this notice.

Questions about this form or your deposit should be addressed to the Department of Homeland Security Financial Service Center-Burlington, P.O. Box 5000, Williston, VT 05495-5000, or bondrefund.helpdesk@ice.dhs.gov.

SAVE THIS FORM FOR YOUR RECORDS.

ORLANDO J AMARODigitally signed by ORLANDO J AMARO
Date: 2026.04.02 10:33:17 -04'00'

Authorized DHS Signature

Amaro, O. #9127, SDDO

Print Name/Title

You may use a copy of this form to change your address in Financial Service Center-Burlington records. Complete the information below and either mail or email the completed form to the proper finance center address above.

If you do not receive the refund check within eight (8) weeks of submitting this form to the finance center regarding your change of address, please contact the finance center at the proper address above to notify ICE of this.

My address has changed. Please send all further correspondence to:

Street Address City or Town State Zip Code

Signature of Obligor

Date

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

**NOTICE TO CASH BOND OBLIGORS
IRS "BACKUP WITHHOLDING" RULES**

A "cash bond obligor" is the person who has paid the money to post an immigration bond. By law, immigration cash bonds can earn simple interest at the rate set by the Department of the Treasury. ICE calculates interest payment and possible backup withholding after (1) the cash bond is canceled or breached and (2) the obligor submits IRS Form W-9 or W-8BEN.

In certain circumstances, U.S. Immigration and Customs Enforcement (ICE) may be required by the Internal Revenue Service (IRS) to withhold tax from some of the interest payable to you as a cash bond obligor. This requirement is based on IRS backup withholding rules. To assist DHS in determining whether some of the interest must be withheld, please complete and return to ICE either IRS Form W-9 or IRS Form W-8BEN, based on the instructions below. ICE will use the information you provide to determine whether or not you are subject to the IRS backup withholding rules.

Consequences of not returning the IRS Form: If you fail to return the appropriate IRS form, ICE may withhold tax at a rate prescribed in IRS rules based on your apparent status as a citizen, resident, or non-resident alien and on information provided, such as your address, to us during the immigration bond process. If ICE does not have a valid taxpayer identification number for you, and it appears you are a U.S. citizen or lawful permanent resident, ICE may withhold 28% from interest payments made to you. If it appears that you are a non-resident alien, federal backup withholding will be deducted at the rate of 30% on any interest payments made.

INSTRUCTIONS:

- If you are a U.S. citizen or lawful permanent resident, please complete Form W-9.
- If you are a non-resident alien, please complete Form W-8BEN.
- You may obtain Form W-9 or Form W-8BEN from the IRS website: www.irs.gov. A Spanish version of Form W-9 and its instructions are available on the IRS website under the "Español" link.
- If you have questions about how to fill out Form W-9 or Form W-8BEN, you may call the IRS Toll Free at 1-800-829-1040.
- After completing the appropriate form, please send it to:

Financial Operations - Burlington
U.S. Immigration and Customs Enforcement
P.O. Box 5000
Williston, VT 05495-5000
Attn: Bonds Section